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SUBJECT: The SANITZER Case.

Johann SANITZER, an ex-official of the Gestapo in Vienna, returned on November 15, 1955 to Austria from the USSR where he had been imprisoned since 1948. Sanitzer before his detention by the Soviets had been sentenced by an Austrian court to life imprisonment for wartime crimes against members of the Austrian Resistance movement. According to background information received from the Ministry of Justice:

Sanitzer was a Gestapo official attached to the Gestapo headquarters in Vienna. He was not the chief of the Gestapo as has been previously alleged. He was the head of a department in the Gestapo which had for its purpose the investigation and apprehension of resistance fighters who cooperated with intelligence agencies of the Allies, especially in the field of radio communication. The department of Sanitzer was principally concerned with discovering radio sending sets in Austria, which transmitted information to the Allies for bombing attacks, seizing the sets or installations, and operating them in the place of the former resistance fighters who were cooperating with the Allies. The receiver of the message was under the impression that the message was sent by friendly operators. In the course of these activities Sanitzer and his men apprehended approximately 600 people. Of the 600 people who were apprehended, 25 were subject to torture and abuse in the course of the investigation for the purpose of extracting information from them. However, none of the 25 persons were permanently injured. Some of the persons arrested may have been confined in a concentration camp and subsequently met their death, but Sanitzer had nothing to do with such activities as it was not his function to pass judgment on the people he arrested after he ordered them taken to the concentration camp or other place of confinement.

In June 1945 Sanitzer was arrested and confined in Glasenbach, a prisoner of war and SS prisoner camp under the control of the American military authorities near Salzburg. Shortly after the end of hostilities he was tried by the Peoples Court in Vienna and sentenced to life imprisonment for the abuse of the 25 persons. In the course of the trial mention was made of his order to have "some Russian officers" executed at Mauthausen.

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Sanitzer was confined in Glasenbach from October 1945 to October 1946 when he was transferred to an Austrian prison in Lower Austria in the Soviet zone. He was released to Soviet officials at various times upon their demand for interrogation. The last time he was delivered to the Soviet authorities in 1948 he did not return. The Soviet Element refused to give any information to the Austrian authorities as to his whereabouts. They suspected he had been sent to Russia. In November 1955 Sanitzer was returned to Austria by the USSR after the entry into force of the Treaty. He was charged with espionage against the Soviet Union after the Soviet authorities ascertained he captured a Communist radio station in Austria and transmitted false information to the Soviet receiving station. He was sentenced to 25 years imprisonment in Russia.

Recently an allegation was made by some former resistance fighters that Sanitzer ordered 50 American flyers to be taken to Mauthausen for execution and that the flyers were subsequently executed. The Austrian authorities can find no witnesses or other information to substantiate this allegation.

Minister Kapfer has explained that he has been under strong pressure by former resistance fighters and alleged resistance fighters, especially the Communists. He has made a complete investigation of the case and could develop no information of any consequence that was not brought out at the trial before the Peoples Court in 1945.

When Sanitzer was returned last November, like all other returnees from the USSR, he was released and has been at liberty since. While Austrians in general have nearly unanimously agreed that it would be inhumane to keep imprisoned former prisoners of the Soviets, the case of Sanitzer evoked a considerable stir initially and more recently threatened even to become a campaign issue.

The Communists have maintained a continuous press and propaganda campaign in an effort to make a public issue of the Sanitzer case. However, at the time of Sanitzer's return both coalition parties, as well as the Austrian press, took a lively interest in the case which resulted in simultaneous parliamentary interpolations by both the Peoples Party and the Socialists. Minister of Justice Kapfer in replying to the OeVP and SPÖ interpolations on December 22, 1955, explained that the ministry had decreed a temporary suspension of Sanitzer's sentence in view of an appeal for clemency which had been made by his wife and also on account of the hardships which he had endured in over six years of Soviet imprisonment. He said that under Austrian law a person sentenced to life imprisonment has a right to be considered for parole after serving fifteen years, and it has been the practice of the Ministry of Justice in calculating this period to credit convicted persons with double time for time served in Soviet imprisonment. On this basis Sanitzer would have already served fifteen years and would be eligible for parole. In addition, had he stayed in Austria it is probable that

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he would have been included in the Christmas amnesty of 1954. Kapfer further stated that President Koerner has thus far not officially acted on the appeal for clemency submitted on Sanitzer's behalf but that this appeal was being examined and that pending a full investigation of the case, it would have been "merciless" to imprison Sanitzer immediately after his release by the Soviets. The replies of Minister Kapfer apparently satisfied everyone except the Communists who have continued to use the Sanitzer case to point to the venality of Socialist leadership -- directly and by innuendo accusing both Socialist-appointed Minister Kapfer and Socialist Interior Minister Helmer of "protecting" Sanitzer.

The Sanitzer case came into the spotlight again on April 13 when the Peoples Party Neue Tages-Zeitung gave prominent coverage to a press conference held by "The Austrian Resistance Movement" (Oesterreichische Widerstandsbewegung). A Dr. Baumann, acting as spokesman for "The Austrian Resistance Movement", leveled a series of violent attacks primarily against the Minister of Justice (but by implication also against the Minister of Interior) for "inhibiting" Sanitzer's arrest on a series of additional charges which had been brought against him by persons who had suffered at his hands during the war. Baumann demanded the immediate resignation of Minister of Justice Kapfer. A Ministry of Justice representative denied Dr. Baumann's allegations in the official newspaper Wiener Zeitung on April 15, since which time the OeVP press has made no further reference to the case.

According to a prominent Vienna police official, the Neue Tages-Zeitung article was purely and simply an election maneuver by the OeVP which was willing to support any attack by what appeared to be a non-Communist group on Socialist-appointed Ministers Kapfer and Helmer. The Neue Tages-Zeitung, however, dropped the issue hastily after obtaining information on the Austrian Resistance Movement, which reportedly consists of between 18 and 24 publicity seekers, mostly Communists or ex-Communists, few of whom according to the Vienna police played any active part whatever in resistance movements. Baumann himself is a former Communist who now professes to be a Socialist.

FOR THE AMBASSADOR:

James K. Penfield,
Minister-Counselor of Embassy.

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